

Andre Nesbit

Address: 3756 W. Avenue 40, Suite K, #223, Los Angeles, CA, 90065-3666

Phone: 773-848-5295

**In the United States District Court for the Central District of
California, Western Division**

Andre Nesbit,

Plaintiff,

-and-

Speedway LLC.

Indianapolis' Police Department)

Defendants,

Damages: \$100,000,000

Case:

LACV23-00912-DMG(SP)

Complaint

Parties and Jurisdiction

1. The plaintiff, for all times mentioned herein, was and is a resident of Los Angeles, California.
2. The defendant(s), for all times mentioned herein, conducts business in Los Angeles, California.
3. The Court has subject matter Jurisdiction over the claims presented under Article III Section 2 of the United States Constitution.
4. Personal jurisdiction and venue are proper in this district court pursuant to 28 U.S.C. § 1391 and due to the fact that the defendant(s), for all times mentioned herein, conducts business in Los Angeles, California

Legal Authority

- **CACI 1600. Intentional Infliction of Emotional Distress - Essential Factual Elements**--[Name of plaintiff] claims that [name of defendant]'s conduct caused [him/her/nonbinary pronoun] to suffer severe emotional distress. To establish this claim, [name of plaintiff] must prove all of the following:
 - 1. That [name of defendant]'s conduct was outrageous;

Andre Nesbit

Address: 3756 W. Avenue 40, Suite K, #223, Los Angeles, CA, 90065-3666

Phone: 773-848-5295

- 2. [That [name of defendant] intended to cause [name of plaintiff] emotional distress;]
- 2. [or] 2. [That [name of defendant] acted with reckless disregard of the probability that [name of plaintiff] would suffer emotional distress, knowing that [name of plaintiff] was present when the conduct occurred;]
- 3. That [name of plaintiff] suffered severe emotional distress; and 4. That [name of defendant]'s conduct was a substantial factor in causing [name of plaintiff]'s severe emotional distress.

● **CACI 1704 Defamation Per Se**

- 1. That [name of defendant] made [one or more of] the statement(s) to [a person/persons] other than [name of plaintiff];
- 2. That [this person/these people] reasonably understood that the statement(s) [was/were] about [name of plaintiff]
- ;3. [That [this person/these people] reasonably understood the statement(s) to mean that [insert ground(s) for defamation per se, e.g., "[name of plaintiff] had committed a crime"]];
- 4. That [name of defendant] failed to use reasonable care to determine the truth or falsity of the statement(s).

● **CACI 1401 False Arrest Without Warrant**

- 1. That [name of defendant] arrested [name of plaintiff] without a warrant;
- 2. That [name of plaintiff] was [actually] harmed; and
- 3. That [name of defendant]'s conduct was a substantial factor in causing [name of plaintiff]'s harm.

● **28 U.S.C. §1391**

- **(a)(1)** the proper venue for a civil action shall be determined without regard to whether the action is local. . .
- **(b)(1)** A civil action may be brought in a judicial district in which any defendant resides. . .

● **Fourth Amendment of the United States Constitution**

- The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or

Andre Nesbit

Address: 3756 W. Avenue 40, Suite K, #223, Los Angeles, CA, 90065-3666

Phone: 773-848-5295

affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

- **Second Amendment of the United States Constitution**

- . . . the right of the people to keep and bear arms, shall not be infringed.

- **CA Constitution art I § 13**

- The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Summary of Facts

1. The Plaintiff went to Speedway and used its ATM to receive twenty dollars and gas.
2. After receiving his twenty dollars from the ATM, the plaintiff was harassed by Speedway employees for looking like a “bum”, and was told to leave.
3. Speedway called the police after the plaintiff left the premises.
4. The Indianapolis Police never saw the plaintiff at the property.
5. The Plaintiff had a business reason for being at the property, for he conducted a business transaction with speedway by using its ATM and purchasing gas.
6. The police arrested the plaintiff when he was not at the property for trespassing.
7. The police confiscated the plaintiff’s legal, registered firearm.
8. The police confiscated the plaintiff’s 2015 Ford Explorer and had the vehicle towed to a scrapyard, instead of the AutoReturn--located at 2451 South Belmont Avenue.
9. The police refuse to return the firearm to the plaintiff.
10. The plaintiff has never been to the property before and was traveling.
11. The plaintiff served a week in jail when had not committed a crime.
12. The plaintiff’s SUV’s water pump has been damaged at the scrap yard; it no longer runs.
13. The criminal charges against the plaintiff have been dropped, and his case will be dismissed.

Andre Nesbit

Address: 3756 W. Avenue 40, Suite K, #223, Los Angeles, CA, 90065-3666

Phone: 773-848-5295

Causes of Action

First Cause of Action (Speedway)(\$25,000,000)

Intentional Infliction of Emotional Distress

1. Speedway acted outrageously by intentionally, falsely stating to the Indianapolis police that the plaintiff had no reason to be at the establishment and had criminally trespassed, having the plaintiff maliciously criminally prosecuted and falsely imprisoned.
2. Speedway intended to cause emotional distress to the plaintiff by calling the police and pursuing criminal charges and criminal adjudication.
3. The plaintiff has suffered from severe emotional distress, and the defendant, Speedway LLC. is a substantial reason for the distress the plaintiff has endured.

Second Cause of Action (Speedway) (\$25,000,000)

Defamation Per Se

1. Speedway LLC. made false statements to the Indianapolis police department, by stating he committed criminal trespass and by stating the plaintiff had no business at the property.
2. The Indianapolis police believed these statements
3. Speedway LLC. failed to use reasonable care to determine the truth or falsity of its statements of criminal trespass about the plaintiff to the Indianapolis police department.

Third Cause of Action (Indianapolis' Police Department)

(\$50,000,000)

False Arrest Without Warrant

1. The Indianapolis' Police arrested the plaintiff without a warrant, nor did they have probable cause; the police did not see him at the property nor did they arrest him at Speedway.
2. The plaintiff was harmed mentally, financially, physically, and emotionally by being arrested, imprisoned, and by having his legal firearm and his vehicle seized, and in the process the plaintiff's car was damaged.

Andre Nesbit

Address: 3756 W. Avenue 40, Suite K, #223, Los Angeles, CA, 90065-3666

Phone: 773-848-5295

Fourth Cause of Action (Indianapolis' Police Department)

An Issuance for a Writ of Injunction

The Indianapolis' Police Department is withholding the plaintiff's legal handgun at the City-County Building in Indianapolis: Room E100.. **The Plaintiff seeks an issuance for a Writ of Injunction for the The Indianapolis Police Department to return the plaintiff's legal handgun that was unlawfully seized**, for they are refusing to return the plaintiff's legal firearm that was unlawfully seized.

Argument

On 8/15/2023 at 3:44pm, the plaintiff went to Speedway, while on a cross-country roadtrip, for a full tank of gas and to use the ATM at that Speedway location. After the plaintiff made his purchases, he was tripped with a broom by one of the employees working there, chased outside, and told to leave. The plaintiff received his gas and twenty dollars from the ATM and left the property. After he left the property, police officers from the Indianapolis Police Department pulled the plaintiff over, towed his car, seized his weapon--even though Indiana is an open-carry state, and arrested the plaintiff. He was held in Marion County Jail for seven days, which the prosecutors have agreed to dismiss this case--case number: 49D26-2208-CM-022233.

The arrest of the plaintiff was unlawful, the police did not have a warrant, nor did they have probable cause, due to the fact that the plaintiff was not on the property when he was arrested, nor was put on any trespass list for previous trespasses, for he had never been to that gas station before, and the plaintiff had a legal right, by completing business transactions, to be there. The police pulled the plaintiff over into a nearby Auto-Sales parking lot, where his car was towed, not to the designated location assigned by the city of Indianapolis, but to a scrap yard. The plaintiff's 2015 Ford Explorer's California license plate number is 7LUB281. The plaintiff's gun's serial number is HDK4722; this gun was purchased in the state of California: a state with some of the strictest gun laws in the country. The

Andre Nesbit

Address: 3756 W. Avenue 40, Suite K, #223, Los Angeles, CA, 90065-3666

Phone: 773-848-5295

plaintiff passed numerous background checks, tests, and waiting periods to be able to possess a handgun.

The Indianapolis Police Department unlawfully seized the plaintiff's person, handgun, and vehicle, and his handgun must be returned to him, for the Indianapolis Police Department violated the plaintiff's Fourth Amendment and Second Amendment Constitutional rights by seizing his handgun. Furthermore, they are violating the plaintiff's Fourth and Second Amendment rights by refusing to return his handgun.

The plaintiff has endured unimaginable grief and harm due to these sequences of events, and he needs to be made whole and his rights must be invoked. The plaintiff's arrest left him without a means to defend himself, his vehicle, a place to sleep, or a way to get back home. They essentially left him stranded in the middle of nowhere, and it is only by God's grace that the plaintiff has safely returned to California.

PRAYER FOR RELIEF

- **\$50,000,000 FOR MENTAL ANGUISH**
- **\$45,000,000 FOR PAIN AND SUFFERING**
- **\$5,000,000 IN PUNITIVE DAMAGES**
- **INJUNCTIVE RELIEF**

ANDRE NESBIT

PRO SE

3756 W AVENUE 40, SUITE K, #223, LOS ANGELES, CA, 90065-3666

773-848-5295

ANESBIT91@GMAIL.COM

Andre Nesbit

Address: 3756 W. Avenue 40, Suite K, #223, Los Angeles, CA, 90065-3666

Phone: 773-848-5295

SIGNATURE: Andre Nesbit